

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

E. K., individually; E. K., by and through )  
her next friend and mother, AMY ATKINS, )  
  )  
**Plaintiffs,**                                      )  
  )  
vs.   )   **CASE NO.: 3:07-cv-01083-MHT-TFM**  
  )  
**CHILD DEVELOPMENT SCHOOLS,**              )  
**INC. d/b/a CHILDCARE NETWORK,**            )  
**et al.,**  )  
  )  
**Defendants.**                                      )

**MOTION TO ENTER HIPAA COMPLIANT ORDER**

COMES NOW the defendant, Child Development Schools, Inc. d/b/a Childcare Network, and files this motion requesting the Court to enter the attached HIPAA Compliant Order. In support of this motion, the defendant would show unto the Court the following:

1. This is an alleged sexual abuse case filed by the plaintiff. As such, the medical records of the plaintiff, particularly her pediatrician, are material and relevant to the defense of this case.
2. The proposed HIPAA Compliant Order will facilitate obtaining the medical records of the plaintiff.

WHEREFORE, premises considered, this defendant respectfully requests the Court to enter the proposed HIPAA Compliant Order attached to this motion.

Respectfully submitted the 8<sup>th</sup> day of February, 2008.

**s/Keith J. Pflaum**  
Keith J. Pflaum

Bar Number: ASB-3002-A54K  
Attorney for Defendant, Child Development Schools, Inc. d/b/a Childcare Network Porterfield, Harper, Mills & Motlow, P.A. 22 Inverness Center Parkway, Suite 600 Birmingham, AL 35242 Telephone: (205) 980-5000 Fax (205) 980-5001 E-mail: kjp@phm-law.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 8<sup>th</sup> day of February, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Jerry D. Roberson, Esq.  
Roberson & Roberson  
P.O. Box 380487  
Birmingham, AL 35238-0487

**s/Keith J. Pflaum**

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Keith J. Pflaum  
Bar Number: ASB-3002-A54K  
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  )  
**Defendants.**                                  )

**HIPAA PROTECTIVE ORDER**

Upon compliance with applicable provisions of Alabama law, the attorneys for the parties (and any pro se parties) to this lawsuit may obtain all health information relating to any individual who is a party to this case, or of any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee, and to obtain all information relative to payment for the provision of medical care to any such individual. This order neither broadens nor restricts any party's ability to conduct discovery pursuant to the Alabama Rules of Civil Procedure, the sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996.

**This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996.**

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's medical or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this Order permit disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any

other entity, other than an agent or employee of the attorney or party. This Order prohibits any use or disclosure of Protected Health Information for any purpose other than this litigation.

At the conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information included in insurance claim files and law firm litigation files may be retained to allow compliance in the extent and for the period that such retention is required by Alabama Insurance laws and Alabama State Bar rules and regulations.

DONE and ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Honorable Myron H. Thompson  
United States District Court Judge

cc: Keith J. Pflaum, Esq.  
Jerry D. Roberson, Esq.